

for example, at page 43, first full paragraph, and page 44, line 14; and finally, support for claims 40(c), 43, 48 and 49 can be found, for example, at page 9, second and third full paragraphs; page 45, first full paragraph; page 46, line 10; and page 60, lines 1-2. In addition, support for claims 50 to 53 can be found, for example, at page 39, first full paragraph. Support for claims 54 to 63 can be found, for example, at page 58, second full paragraph. More particularly, support for claims 54 and 57 can be found, for example, at page 9, second full paragraph; support for claims 55 and 60 can be found, for example, at page 96, third full paragraph; further, support for claims 56, 57, 61 and 62 can be found, for example at page 97, first through third paragraphs; and finally, support for claims 58 and 63 can be found, for example, at page 98, fourth full paragraph. In addition, support for claims 64-72 and 76-84 can be found, for example, at page 15, first full paragraph through the top of page 17; and page 49, third full paragraph. Support for claims 88 and 94 can be found, for example, at page 5, third full paragraph; further support for claims 89 and 95 can be found at page 9, second full paragraph, and page 58, second full paragraph; and support for claims 90 and 96 can be found, for example, at page 61, first full paragraph. Moreover, support for claims 100 and 101 can be found, for example, at page 36, first and second paragraph.

Additionally, the specification has been amended to correct typographical errors.

Thus, no new matter has been added by way of the amendments to the claims or the specification.

The Restriction Requirement

The Examiner contends that the inventions are distinct, each from the other, and thus, has required an election under 35 U.S.C. § 121.

In order to be fully responsive, Applicants hereby provisionally elect the invention of Group II, claims 11, 12 and 16, drawn to polypeptides, with traversal. Applicants point out that the claims 11, 12 and 16 have been cancelled and that new claims 24 to 100 are directed to subject matter falling within the scope of Group II as defined by the Examiner.

With respect to the Examiner's division of the invention into nine (9) groups and the reasons stated therefor, Applicants respectfully traverse. Applicants submit that even where two patentably distinct inventions appear in a single application, restriction remains improper unless it can be shown that the search and examination of both groups would entail a "serious burden" (*See* M.P.E.P. § 803). In the present situation, no such showing has been made.

Thus, in view of M.P.E.P. § 803, the claims of all of Groups I to IX should be searched and examined in the subject application.

Accordingly, Applicants respectfully request that the restriction requirement under 35 U.S.C § 121 be reconsidered and withdrawn and the instant claims be examined in one application.


Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

If there are any fees due in connection with the filing of this paper, please charge the fees to our deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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